

Notice of Allowability

Application No.

10/646,597

Examiner

Jared J. Fureman

Applicant(s)

SELKER, EDWIN JOSEPH

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and amendment filed on 4/4/2006.
2. ☒ The allowed claim(s) is/are 9,11-13,15,21-25 and 32-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/4/2006 has been entered. Claims 9, 11-13, 15, 21-25 and 32-36 are pending.

Allowable Subject Matter

2. Claims 9, 11-13, 15, 21-25 and 32-36 have been allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: (re claim 9) a timer responsive to said control signals for controlling the data exchanged between said RFID card and said card reader when the time duration between touch events in said sequence satisfies a predetermined condition; (re claim 21) a timer for controlling the operation of said RFID card when said timing and sequence satisfies one or more predetermined time duration conditions; (re claim 32) means including at least one timer for controlling the transfer of data via said transceiver when said control signals satisfy predetermined conditions indicating that said card was touched at predetermined

locations in a predetermined sequence satisfying predetermined time duration constraints; in combination with the other limitations as set forth in the claims.

Applicant's argument that Giesler does not teach or suggest these claimed limitations (see page 7 of the amendment filed on 4/4/2006) has been considered and is persuasive.

Francis et al (US 2004/0210926 A1) teaches use of a timing key that utilizes a timing recognition device that requires a user to push a specified sequence of buttons on the remote control in a specified rhythm (see figure 1, paragraphs 49 and 53). Francis et al teaches the use of this timing key as information that identifies a user (see paragraph 50) and is input to a user identification input 115 (see figure 1 and paragraph 43). However, without any specific teaching in Francis et al to the contrary, it would appear as though the remote control (serving as the user identification input 115 in this embodiment) would transmit a signal or signals that indicate the timing of the sequence or rhythm of the button pushes to the user interface 120 of the access controller 105 (see figure 1), and the access controller 105 would determine whether the timing/rhythm matched the specified timing/rhythm. Thus, this does not suggest (re claim 9) a timer responsive to said control signals for controlling the data exchanged between said RFID card and said card reader when the time duration between touch events in said sequence satisfies a predetermined condition; (re claim 21) a timer for controlling the operation of said RFID card when said timing and sequence satisfies one or more predetermined time duration conditions; (re claim 32) means including at least one timer for controlling the transfer of data via said transceiver when said control signals satisfy

predetermined conditions indicating that said card was touched at predetermined locations in a predetermined sequence satisfying predetermined time duration constraints.

Therefore, without the benefit of applicant's teachings, there is no motivation for one of ordinary skill in the art at the time of the invention to combine the teachings of the prior art in a manner so as to create the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bayley et al (US 2006/0040704 A1) teaches the use of RF button tags that transmit specific data when pressed (see paragraph 51).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jared J. Fureman
Primary Examiner
Art Unit 2876

May 24, 2006